

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-cv-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

NOTICE OF MOTION

TO: William F. Davis, III
SBI#162762
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

The attached Motion for Leave to Depose Plaintiff, William F. Davis, will be heard at the convenience of the Court.

Heckler & Frabizzio, P.A.

/s/Patrick G. Rock
Patrick G. Rock, *DE Bar #4632*
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant First
Correctional Medical

Dated: May 28, 2008
17810 / 396931

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-CV-209-SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

MOTION FOR LEAVE TO DEPOSE PLAINTIFF

Defendant, First Correctional Medical, by and through its undersigned counsel, respectfully requests this honorable Court to enter an Order granting Defendant's counsel the right to depose Plaintiff, William F. Davis, III, an incarcerated individual. In support thereof, counsel submits as follows:

1. Plaintiff Davis is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. On March 31, 2008, this Court issued a Scheduling Order directing discovery to be closed by July 31, 2008. (D.I. 90)
3. Counsel for Defendant has propounded Interrogatories and Request for Production of Documents on April 3, 2008 (D.I. 91 and D.I. 92, respectively).
4. As of the date of preparing this Motion, Defendant's counsel has not received responses to the discovery.

5. Defendant's counsel is contemporaneously filing a Motion to Compel to obtain complete verified discovery responses.

6. Federal Rule of Civil Procedure 30 (a)(2) requires leave of the court to depose an incarcerated individual.

7. A form of Order is attached to this Motion that grants Defendant's counsel the right to depose Plaintiff Davis.

WHEREFORE, Defendant respectfully requests that this honorable Court grant its Motion for Leave to Depose Plaintiff Davis.

HECKLER & FRABIZZIO

/s/Daniel L. McKenty, Esquire

DANIEL L. MCKENTY, ESQUIRE

PATRICK G. ROCK, ESQUIRE

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Attorney for Defendant First
Correctional Medical

Dated:

17810 / 396902

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-CV-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

ORDER

This ____ day of _____, 2008, **WHEREAS**, defendant having requested leave to depose Plaintiff, William F. Davis, III, pursuant to Federal Rule of Civil Procedure 30(a); and whereas there being good cause shown for granting such motion, it is hereby ordered that Defendant's Motion for Leave to Depose Plaintiff shall be granted and defendants shall have the right to depose Plaintiff, William F. Davis, III, prior to the close of discovery of July 31, 2008, or within a reasonable time thereafter if logistics do not allow for a deposition prior to that date.

Judge

Dated:

396929 / 17810

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
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Plaintiff,)	C.A. No. 04-CV-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 29, 2008, I have caused a copy of the foregoing Motion for Leave to Depose Plaintiff to be served via first Class US Mail, postage prepaid upon the following:

William F. Davis, III
SBI#162762
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Heckler & Frabizzio, P.A.

/s/Patrick G. Rock
Patrick G. Rock, *DE Bar #4632*
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant First
Correctional Medical

Dated: May 29, 2008
17810 / 396925